

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mark R. ALLEN

Patent No. 6,461,019

Application No.: 09/819,736

Issue Date: October 08, 2002

Filed: March 29, 2001

Attorney Dkt. No.: 05211.001

RECEIVED  
JUN 21 2005  
OFFICE OF PETITIONS

For: PREFERRED EMBODIMENT TO LED LIGHT STRING

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM  
FOR THE BENEFIT OF A PRIOR APPLICATION AND  
CERTIFICATE OF CORRECTION TO CORRECT 35 U.S.C. § 120 PRIORITY**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE**

**JUN 08 2005**

**OF CORRECTION**

Sir:

In accordance with MPEP 1485, Applicant respectfully requests that the  
Commissioner grant the following Petition to issue a Certificate of Correction correcting  
the 35 U.S.C. § 120 domestic priority for the above patent for the following reasons:

- (A) all requirements set forth in 37 CFR § 1.78(a)(1) were met in the application  
which became U.S. Patent No. 6,461,019;
- (B) the prior co-pending applications to be corrected via Certificate of Correction  
were identified in the application papers; namely the specification and the  
Inventor Declaration;
- (C) it is clear from the record that priority is appropriate; and
- (D) this grantable petition to accept an unintentionally delayed claim for the benefit of  
a prior application includes the surcharge set forth in 37 CFR § 1.17(t).

### REMARKS

Applicant respectfully requests a Certificate of Correction to correct and clarify the 35 U.S.C. § 120 priority for U.S. Patent 6,461,019.

In the course of litigation in the United States District Court for the District of Minnesota (Case No. 05-CV-660 RHK/JSM), an assertion was made that the § 120 domestic priority for U.S. Patent No. 6,461,019 incorrectly references the prior copending applications pursuant to 37 CFR § 1.78(a)(2). To clarify the priority claim in this '019 Patent pursuant to 35 U.S.C. § 120, Applicant requests that the priority claim be amended/corrected in the following manner:

This application claims benefit under 35 USC § 120 from the following co-pending applications: this application is a continuation-in-part of application Ser. No. 09/378,631 filed Aug. 20, 1999, titled Preferred Embodiment to Led Light String, now abandoned which is a continuation-in-part of application no. 09/339,616 filed June 24, 1999, titled Preferred Embodiment to Led Light String, which is a continuation-in-part of application no. 09/141,914 filed August 28, 1998, titled Led Light String Employing Series-parallel Block Coupling, now U.S. Pat. No. 6,072,280, and which is also a non-provisional application claiming benefit under 35 USC § 119(e) of U.S. provisional application no. 60/119,804, filed February 12, 1999. The disclosures of the aforementioned applications are incorporated herein by reference. ~~This application claims benefit of U.S. Provisional Application No. 60/119,804, filed February 12, 1999.~~

1. Applicant submits that all requirements set forth in 37 CFR § 1.78(a)(1) were met in the application which became U.S. Patent No. 6,461,019, because (a) Mark Allen was named as an inventor in all applications in the following chain of


pending applications, and (b) co-pendency exists between all applications listed in the amended priority claim:

- U.S. provisional application no. 60/119,804 was filed February 12, 1999;
  - U.S. application no. 09/141,914 was filed August 28, 1998 and was issued as U.S. Pat. No. 6,072,280 on June 06, 2000;
  - U.S. application no. 09/339,616 was filed June 24, 1999 and was abandoned on September 09, 2003;
  - the instant U.S. Patent No. 6,461,019 was filed March 29, 2001.
2. The prior co-pending applications to be corrected via Certificate of Correction were identified in the original application papers and the issued patent; namely the first sentence of the specification and the original Inventor Declaration.
  3. It is clear from the record that priority is appropriate because the first sentence of the specification explicitly makes reference to all applications for which domestic priority is being claimed, and the Inventor's Declaration makes a claim under 35 USC § 120 to U.S. application nos. 09/141,914; 09/339,616; and 09/378,631.
  4. This grantable petition to accept an unintentionally delayed claim for the benefit of a prior application includes the surcharge of \$1370.00 set forth in 37 CFR § 1.17(t).

Applicant therefore asserts that U.S. Patent No. 6,830,358 warrants a Certificate of Correction set forth in the attached PTO form PTO/SB/44.

A fee of \$1370.00 is enclosed herewith.

Respectfully submitted:

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(Also Form PTO-1050)

## UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO. : 6,461,019  
ISSUED : October 08, 2002  
SERIAL NO. : 09/819,736  
FILING DATE : March 29, 2001  
INVENTOR(S) : ALLEN  
TITLE : PREFERRED EMBODIMENT TO LED LIGHT STRING

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It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below.

Please amend the first paragraph of the specification as follows:

This application claims benefit under 35 USC §120 from the following co-pending applications: this application is a continuation-in-part of application Ser. No. 09/378,631 filed Aug. 20, 1999, titled Preferred Embodiment to Led Light String, now abandoned which is a continuation-in-part of application no. 09/339,616 filed June 24, 1999, titled Preferred Embodiment to Led Light String, which is a continuation-in-part of application no. 09/141,914 filed August 28, 1998, titled Led Light String Employing Series-parallel Block Coupling, now U.S. Pat. No. 6,072,280, and which is also a non-provisional application claiming benefit under 35 USC § 119(e) of U.S. provisional application no. 60/119,804, filed February 12, 1999. The disclosures of the aforementioned applications are incorporated herein by reference. ~~This application claims benefit of U.S. Provisional Application No. 60/119,804, filed February 12, 1999.~~

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PATENT NO. 6,461,019